

**Missouri Revised Statutes**  
**Chapter 263**  
**Insect Pests and Weeds**

August 28, 2004

**Title of law.**

263.010. Sections 263.010 to 263.180 shall be known and may be cited as "The Missouri Plant Law".

(RSMo 1939 § 14034, A.L. 1984 S.B. 516)

Prior revision: 1929 § 12367  
Effective 1-1-85

**Definitions.**

263.020. As used in sections 263.010 to 263.180 the following terms mean:

- (1) "Department", the Missouri department of agriculture;
- (2) "Director", the director of the Missouri department of agriculture;
- (3) "Nursery", any land, ground or premises within this state on or in which nursery stock is propagated or grown for sale, or any land, ground or premises within this state on or in which nursery stock is being fumigated, packed or stored;
- (4) "Nursery dealer", any person not a grower of nursery stock in this state who:
  - (a) Buys nursery stock for the purpose of reselling or reshipping within the state of Missouri; or
  - (b) Makes landscape plans or plants nursery stock and negotiates in the purchase of nursery stock for his clients; or
  - (c) Transplants or moves nursery stock from place to place within this state for other persons for a consideration in payment for the nursery stock, for the planting of same, or for both nursery stock and planting; or
  - (d) Gives nursery stock as a premium or for advertisement purposes;
- (5) "Nurseryman", any person, firm or corporation who owns, leases, manages, or is in charge of a nursery within this state;
- (6) "Pests", any of the organisms defined as plant pests;
- (7) "Places", any vessels, cars or other vehicles, buildings, docks, nurseries, orchards and other premises where plants or plant products are grown, kept or handled;
- (8) "Plant inspector", persons employed by the department under the supervision of the state entomologist who perform highly specialized plant protection work on a professional basis and who meet the requirements of subsection 2 of section 263.030;
- (9) "Plant pests", any insects, arthropods, nematodes, mollusks, invertebrates, fungi, bacteria, mycoplasmas, viruses, physiological disorders or parasitic weeds and other infectious agents which are injurious to plants or plant products and the pathological conditions in plants and plant products caused by these organisms;

(10) "Plants and plant products", trees, shrubs, vines, vegetables, forage and cereal plants and all other plants; cuttings, grafts, scions, buds and all other parts of plants, including but not limited to fruit, roots, bulbs, corms, tubers, seeds, wood, lumber and all other plant products.

(RSMo 1939 § 14035, A.L. 1984 S.B. 516)

Prior revision: 1929 § 12368  
Effective 1-1-85

#### **Appointment of state entomologist--qualifications--employees.**

263.030. 1. The director shall appoint a state entomologist who shall be a graduate of a reputable college of agriculture or university where he has specialized in the science of entomology, and who has had not less than two years' practical experience in plant regulatory inspection work. The state entomologist shall administer sections 263.010 to 263.180.

2. The state entomologist shall select his necessary employees, subject to the approval of the director, and the director shall fix reasonable compensation for all employees in keeping with duties performed and within available appropriations. Any person employed in plant inspection shall be a graduate of a reputable college of agriculture or university with training in the sciences of entomology or plant pathology to qualify him to properly perform such duties. Certain related fields such as horticulture and forestry may be substituted for such training, provided a minimum of six hours of college credit was earned in entomology or plant pathology. The provisions of this subsection shall not apply to employees of a nontechnical nature such as survey technicians and quarantine enforcement personnel.

(RSMo 1939 § 14036, A. 1949 S.B. 1092, A.L. 1984 S.B. 516)  
Effective 1-1-85

#### **Rules and regulations.**

263.040. The state entomologist shall, from time to time, make rules for carrying out the provisions and requirements of sections 263.010 to 263.180, including rules under which inspectors and other employees shall:

- (1) Inspect places, plants and plant products, and things and substances used or connected therewith;
- (2) Investigate, control, eradicate and prevent the dissemination of plant pests; and
- (3) Supervise or cause the treatment, cutting and destruction of plants and plant products infested or infected with plant pests.

(RSMo 1939 § 14040, A.L. 1984 S.B. 516)

Prior revision: 1929 § 12373  
Effective 1-1-85

#### **Inspection, enforce quarantine regulations--power to call meetings --rulemaking, procedure.**

263.050. The state entomologist may conduct such inspections and promulgate and enforce such quarantine rules as may be necessary in carrying out the provisions of sections 263.010 to 263.180. The state entomologist may call to any of his meetings any person or persons who in his judgment possesses information of value in carrying out the provisions of sections 263.010 to 263.180, and necessary traveling expenses of such person or persons may be paid from the

funds appropriated to the department. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

(RSMo 1939 § 14037, A.L. 1984 S.B. 516, A.L. 1993 S.B. 52, A.L. 1995 S.B. 3)

Prior revision: 1929 § 12370

#### **Right of entry.**

263.060. For the purpose of carrying out the provisions and requirements of sections 263.010 to 263.180, and of the rules made and notices given pursuant thereto, the state entomologist and his inspectors and employees shall have power to enter into or upon any place during reasonable hours, and to open any bundle, package, or other container of plants or plant products.

(RSMo 1939 § 14047, A.L. 1984 S.B. 516)

Prior revision: 1929 § 12380

Effective 1-1-85

#### **Inspection fees--nurseries and nursery dealers registration inspection certificates, requirements, expire when--disposition of fees.**

263.070. 1. A schedule of fees to defray the cost of inspecting greenhouses, nurseries, nursery dealers, nursery stock, plants, plant products and other materials is hereby established and shall be listed in the rules made pursuant to sections 263.010 to 263.180. This fee schedule may be revised from time to time to more accurately reflect the actual cost of these inspections.

2. Greenhouse inspection shall be optional and any grower of greenhouse plants who may desire or find need for a certificate of greenhouse inspection may obtain semiannual inspection of his greenhouse, premises and plants, by making application to the state entomologist. This semiannual inspection and certification of greenhouses shall be performed under the same general provisions as apply to the annual inspection of nurseries. Greenhouse inspection certificates shall expire on November thirtieth of each year.

3. All nurseries in this state shall be inspected at least once each year to ascertain whether they are infested or infected with plant pests. Upon full payment of the fee each nurseryman shall receive a written notice of the findings of such inspection along with a nursery inspection certificate; except that, the state entomologist may withhold certification of a nursery pending eradication of extremely serious or abundant plant pests or weeds of such nature which would prevent the adequate inspection of such nursery. This certificate shall be used in connection with the shipment or movement of any nursery stock shown to be apparently free of harmful and destructive plant pests or other nursery stock from which harmful and destructive plant pests have been eliminated. All nursery inspection certificates shall expire on September thirtieth of each year. Each nursery shall be allowed one retail sales outlet per certificate. Additional outlets shall require separate nursery dealer registration-inspection certificates. When the findings of the annual inspection of a nursery shall in the opinion of the state entomologist warrant such action, additional inspections of the nursery may be made and the nursery may be charged a fee sufficient to cover the cost of such reinspection.

4. By notice in writing the state entomologist may require a nurseryman to hold any variety or any amount of nursery stock for inspection or reinspection by quarantining such nursery stock whenever such action is necessary to determine that it is free from pests or to allow time to eradicate any such pests. The state entomologist may further order the removal from sale and the treatment or destruction of any nursery stock infested or infected with especially injurious pests or nursery stock which is not viable or is in such damaged or desiccated condition as to be incapable of reasonable growth. No compensation shall be paid for any stock ordered destroyed.

5. (1) Each nursery dealer, before selling or offering for sale or otherwise distributing nursery stock within this state, shall annually obtain a nursery dealers' registration-inspection certificate for each individual location from which the dealer sells or offers for sale nursery stock. Each nursery dealer shall make application on forms to be provided by the state entomologist for each individual location, which shall include:

- (a) The name and complete address of the nursery dealer's place of business for which such certificate is requested;
- (b) A declaration that applicant will obtain and distribute only inspected and certified nursery stock; and
- (c) An up-to-date listing of all sources from which he secures nursery stock.

(2) Each nursery dealer shall pay, at the time of making application, the annual registration-inspection fee as set forth in the rules made pursuant to sections 263.010 to 263.180.

(3) All nursery dealer registration-inspection certificates shall expire on September thirtieth of each year.

(4) The state entomologist may inspect or cause to be inspected the premises of any nursery dealer including any sales yard, packing shed, nursery stock on hand or equipment, for the presence of dangerous and destructive plant pests which may be disseminated on nursery stock.

6. By notice in writing the state entomologist may require a nursery dealer to hold any variety or any amount of nursery stock by quarantining such nursery stock whenever such action is necessary to determine that it is free from pests or to allow time to eradicate any such pests. The state entomologist may further order the removal from sale and the treatment or destruction of any nursery stock infested or infected with especially injurious pests, or nursery stock which is not viable or is in such damaged or desiccated condition as to be incapable of reasonable growth. No compensation shall be paid for any stock ordered destroyed.

7. Any person in need of a special inspection and certification of nursery stock, other plants or plant products may upon request to the state entomologist have same inspected for plant pests. A fee sufficient to cover the cost of such inspection or certificate, or both, may be charged. Upon completion of the inspection and payment of the fee, a certificate of inspection shall be issued provided the plants or plant products are free of harmful plant pests. The state entomologist may enter into agreements with various persons or companies, to carry out the requirements of this state and importing states or countries.

8. All moneys received for any inspection fee or other receipts under this law shall be deposited in the state treasury and shall be subject to appropriation by the general assembly.

(RSMo 1939 § 14038, A.L. 1959 H.B. 462, A.L. 1961 p. 17, A.L. 1984 S.B. 516)  
Effective 1-1-85

**Plant pests, control, noncomplying owner, action by inspectors --lien for expenses.**

263.080. 1. The state entomologist shall keep himself informed as to the occurrence of plant pests, their origin, locality, nature and appearance, the manner in which they are disseminated, and approved methods of treatment and control. The state entomologist shall determine which plant pests are of such a harmful nature that their introduction into or dissemination within the state should be prevented. Whenever an inspection discloses that the premises, plants, plant parts or pest-harboring materials are infested or infected with such harmful plant pests as to constitute a hazard to plant or animal life in the state, or any part thereof, he may notify the owner or person having charge of such premises to that effect and the owner or person in charge shall cause the treatment, removal or destruction of the infested or infected plants, or other pest-harboring material as directed and within the time specified by the notice. Whenever such owner

or other person cannot be found or shall fail, neglect or refuse to comply with the terms of the notice, such requirements shall be carried out by the inspectors or other employees of the state entomologist and the state entomologist shall obtain and enforce a lien for the expense thereof against the place in or upon which such expense was incurred in the same manner as liens are obtained and enforced upon buildings for labor and materials furnished by virtue of contract with the owner.

2. Every person who deals in or engages in the sale of plants or plant products shall furnish to the state entomologist or his inspectors, when requested, a statement of the names and addresses of the persons from whom and the localities where he purchased or obtained such plants or plant products.

(RSMo 1939 § 14039, A.L. 1984 S.B. 516)

Prior revision: 1929 § 12372  
Effective 1-1-85

#### **Shipping tag to show what.**

263.100. 1. Any person bringing nursery stock into this state, or shipping it within this state, shall attach to the outside of each package, box, bale or lot of nursery stock shipped or otherwise delivered, a tag or label bearing the name and address of the shipper, a statement as to the general nature and quantity of the contents and a certificate of inspection from the state of origin. The requirements of this subsection shall not apply to nursery stock sold to the final purchaser at the place of business of a nurseryman or nursery dealer who has there conspicuously posted the certificate required.

2. Any person in this state who receives nursery stock for which the requirements of subsection 1 of this section have not been met shall immediately inform the state entomologist or an inspector, and isolate and hold the nursery stock unopened subject to such inspection and other disposition as may be provided for by the state entomologist.

(RSMo 1939 § 14042, A.L. 1984 S.B. 516)

Prior revision: 1929 § 12375  
Effective 1-1-85

#### **Inspection of plants before sale or shipment--fees--exceptions.**

263.110. It shall be unlawful for any person to sell, give away, carry, ship or deliver for carriage or shipment within this state any nursery stock unless such nursery stock has been officially inspected, at least annually, and a certificate issued by the state entomologist stating that the nursery stock has been inspected and found apparently free from harmful plant pests, and stating any other facts provided for in the rules made pursuant to sections 263.010 to 263.180. For such inspection and certification, the state entomologist may require the payment of a reasonable fee to cover the expenses of such inspection or certificate, or both, which cost in any event shall not exceed the actual cost of the inspection. If it shall be found at any time that a certificate of inspection, issued or accepted pursuant to the provisions of this section, is being used in connection with plants and plant products which are infested or infected with harmful plant pests, the certificate may be revoked and its further use may be prohibited, subject to such inspection and other disposition of the plants and plant products involved as may be provided for by the state entomologist. The provisions of this section shall not apply to farmers or other persons who may give away nursery stock from their own premises which was not grown specifically for commercial purposes.

(RSMo 1939 § 14043, A.L. 1984 S.B. 516)

Prior revision: 1929 § 12376  
Effective 1-1-85

**Establishment of quarantine--rules and regulations.**

263.130. The state entomologist, whenever he shall find that there exists in any other state, territory, or district, or part thereof, any harmful plant pests with reference to which the Secretary of Agriculture of the United States has not determined that a quarantine is necessary and has not duly established such quarantine, may promulgate, and may enforce by appropriate rules, a quarantine prohibiting or restricting the transportation into or through this state, or any portion thereof, from such other state, territory, or district of any class of nursery stock, plants or plant products or other article of any character whatsoever, capable of carrying such plant pests. The state entomologist may make rules for the seizure, inspection, disinfection, destruction, or other disposition of any nursery stock, plants or plant products or other article of any character whatsoever, capable of carrying any harmful plant pests, a quarantine with respect to which shall have been established by the Secretary of Agriculture of the United States, and which have been transported to, into, or through this state in violation of such quarantine.

(RSMo 1939 § 14045, A.L. 1984 S.B. 516)

Prior revision: 1929 § 12378  
Effective 1-1-85

**Restrictive and control measures--adoption and enforcement.**

263.140. 1. Whenever the state entomologist shall find that there exists in this state or any part thereof a dangerous plant pest new to the state, which, for the protection of plants and plant products within the state, should be prevented from spreading and be controlled or eradicated, the state entomologist shall adopt and carry out such restrictive and control measures as may be deemed necessary and advisable and may cooperate with other state agencies and with the United States Department of Agriculture.

2. The state entomologist may promulgate rules establishing quarantines and quarantine restrictions covering areas in the state affected by plant pests, and other areas within the state adjacent thereto which are likely to be affected with such pests.

3. Under such quarantines the state entomologist or authorized personnel may prohibit and prevent the movement, shipment or transportation without inspection of any plants or plant products or any other material or article of any character capable of carrying such pests in any living state of its development, originating in or which have been stored in such quarantined areas or in any area outside of the state infested with such pest, except under such conditions as the state entomologist may prescribe as to inspection, treatment and certification. In carrying out the provisions of this section the state entomologist or authorized personnel may intercept, stop and detain for official inspection any person, car, vessel, boat, truck, automobile, aircraft, wagon, or other vehicles or carriers whether air, land or water, and may open and inspect any container believed or known to be carrying such pest in any living stage of its development. Any plants or plant products or other materials or articles moved, shipped, or transported in violation of such quarantine may be seized and treated, destroyed or otherwise disposed of in accordance with the instructions of the state entomologist.

4. Under such quarantines the state entomologist may prohibit the use of any farm practice or operation within the quarantined area which favors the development of such pest and may specify and require in such area the use of specific operations and procedures in disposing of weeds and crop residues, in the treating and handling of seeds, growing crops, or harvested products, machinery and any other property, or in planting and harvesting crops, as may be necessary to

effectively destroy or prevent the development of such pest, and it shall be the duty of the owner or person in charge of lands and crops and other things connected therewith within such quarantined area, upon due notice, to refrain from such prohibited practices and operations and to take such action as is required within the time limit specified and in the manner designated by the state entomologist.

5. In case the owner or the person in charge of such lands, crops or other materials within the quarantined area shall neglect or refuse to carry out the instructions of the state entomologist contained in such notice within the time limit specified, the state entomologist or authorized personnel may take the action so required, and the state entomologist shall have and enforce a lien for the expense thereof against the place in or upon which such expense was incurred in the same manner as liens are had and enforced upon buildings and lots, wharves and piers for labor and materials furnished by virtue of contract with the owner.

(RSMo 1939 § 14046, A.L. 1984 S.B. 516)

Prior revision: 1929 § 12379  
Effective 1-1-85

**Plant disease and insect inspection--confiscation and destruction --highway patrol or other law enforcement officers to assist in enforcement.**

263.145. 1. In carrying out the provisions of sections 263.010 to 263.180, the state entomologist or authorized personnel may intercept, stop and detain for official inspection any person, car, vessel, boat, truck, automobile, aircraft, wagon, or other vehicles or carriers whether air, land or water, believed or known to be carrying any class of nursery stock, plants or plant products or other article of any character capable of carrying in a living state such harmful plant pests which should be controlled or eradicated in order to protect the plants and plant products of this state. The state entomologist or authorized personnel may seize, possess and hold for inspection or treatment, or destroy or otherwise dispose of any plants or plant products or other materials or articles of any character moved, shipped, or transported, if found infested in a living state with any harmful plant pests.

2. The state entomologist or authorized personnel may enlist the aid of any member of the Missouri state highway patrol or other law enforcement officer in carrying out the duties of this section, and such aid shall be supplied by such officers. The state entomologist or authorized personnel may use a red flashing light to aid them in stopping vehicles.

(L. 1961 p. 17, A.L. 1967 p. 371, A.L. 1984 S.B. 516)  
Effective 1-1-85

**Review of order granted, when--rules, procedure.**

263.150. The department may promulgate rules pursuant to this section and chapter 536, RSMo. Any person affected by any rule made, or notice given, pursuant to sections 263.010 to 263.180 may have a review thereof by the director for the purpose of having such rule or notice modified, suspended or withdrawn. Such review shall be allowed and considered in accordance with the guidelines of the department.

(RSMo 1939 § 14048, A.L. 1984 S.B. 516, A.L. 1993 S.B. 52, A.L. 1995 S.B. 3)  
Prior revision: 1929 § 12381

**Penalty.**

263.180. Any person who shall violate any provision or requirement of sections 263.010 to 263.180, or who shall forge, counterfeit, deface, destroy, or wrongfully use any certificate provided for in sections 263.010 to 263.180, shall be deemed guilty of a class A misdemeanor.

(RSMo 1939 § 14049, A.L. 1984 S.B. 516)

Prior revision: 1929 § 12382  
Effective 1-1-85